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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,388	02/13/2004	Ricky Manier	23-0730	9033
40158	7590	01/24/2006	EXAMINER	
WOODS FULLER SHULTZ & SMITH P.C. ATTN: JEFFREY A. PROEHL P.O. BOX 5027 SIOUX FALLS, SD 57117			SING, SIMON P	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/779,388	MANIER, RICKY	
	Examiner	Art Unit	
	Simon Sing	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-18 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johanson US 6,449,342 in view of Hu US 5,299,256.

1.1 Regarding claim 1, Johanson discloses a telephone answering device 10 in figure 1, comprising:

- a housing (a telephone answering machine inherently has a housing);
- a central processing unit (controller 24, figure 1) (column 4, lines 33-36);
- an outgoing message storage assembly (voice message memory 28) (column 4, lines 24-29);
- an incoming message storage assembly (message summary memory 36) (column 4, lines 55-59); and
- a written translation program (voice-to-text module 38) for translating a voice message to a text message (column 4, lines 60-67).

Johanson teaches a display 40 for displaying the translated text message (column 4, lines 63-66), but fails to teach a printer for print out the displayed text message.

However, Hu discloses a telephone 10 in figure 1. Hu teaches a display 22 (column 2, lines 65-68) for displaying calling information from other telephones (column 3, lines 1-6) and messages from message center 48 (Abstract), and a printer 24 for print out the information and messages displayed on a display 40 to provide a user with a hard copy (Abstract; column 3, lines 7-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Johanson's reference with the teaching of Hu, so that the telephone answering device would have comprised a printer for printing out a translated text message displayed on the display 40, because such a modification would have provided a user with a hard copy of the text message.

1.2 Regarding claim 2, Johanson teaches a keypad 30 for controlling the operation of the controller (column 4, lines 37-42).

1.3 Regarding claim 3, keypad 30 inherently comprises a plurality of keys.

1.4 Regarding claim 5, Johanson teaches that a user can record a message summary (audio memorandum), which is then converted to text (column 5, lines 15-24).

1.5 Regarding claim 9, the modified Johanson reference inherently has a paper supply for the printer.

2. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johanson US 6,449,342 in view of Hu US 5,299,256 and further in view of Griffith et al. US 6,366,651.

2.1 Regarding claim 6, the modified Johanson reference, teaches a voice-to-text module for translating a voice message into a text message (electronic data file) for displaying and printing, but fails to teach exporting the text message.

However, Griffith discloses a telephone device 100 in figure 1. Griffith teaches recording a voice message, converting the voice message to a text message, displaying the text message on a display (column 3, lines 32-39; column 5, lines 46-60). Griffith also teaches receiving a voice message from a voice messaging system for converting to a text message (column 6, lines 28-67; column 7, lines 1-2). Griffith further teaches exporting the text message to a computer (column 2, lines 52-55; column 5, lines 46-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Johanson's reference, which was modified by Hu, with the teachings of Griffith, so that the telephone answering device would have comprised a communication port (data transfer port) for exporting the text

message, because such a modification would have enable a user to save the text message in other device, such as in a computer.

2.2 Regarding claim 7, a communication port is inherently coupled to the controller, i.e. controlled by the controller.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johanson US 6,449,342 in view of Hu US 5,299,256 and further in view of Griffith et al. US 6,366,651 and further in view of Isomura US 6,917,670.

The modified Johanson reference teaches a communication port for exporting a text message, but fails to teach that the communication port is an infrared port.

However, Isomura discloses a telephone 201 in figure 2 (column 4, lines 46-52). Isomura teaches that the telephone 201 comprises an infrared port 306 for communicating with external devices (column 5, lines 15-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Johanson's reference, which was modified by Hu and Greffith, with the teachings of Isomura, so that the communication port would have been an infrared port, because using a wired (such as a series or parallel) communication port or a wireless (such as an infrared or radio frequency) communication port would have bee a matter of design choice since it would have not change the main functionality of the modified device.

Allowable Subject Matter

4. Claims 10-18 are allowed.
5. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter:

The current invention claims a telephone answering device for recording a voice message, converting the voice message to a text message, printing out the text message with a built-in printer, and automatically deleting the voice message upon printing. The automatically deleting step is not found in the prior art cited in this office action.

Response to Arguments

7. Applicant's arguments filed on 11/11/2005 have been fully considered but they are not persuasive.

Applicant argues that the secondary reference, issued to Hu (US 5,299,256) does not teach voice messaging and there is no motivation to be combined with the Johanson's reference. However, Johanson teaches a telephone answering device for

receiving a voice message, converting the voice message to a text message and displaying the converted text message on a display, and Hu teaches a telephonic device for receiving a text message from a message center, displaying the text message on a display and printing out the text message from a built-in printer to provide a hard-copy to a user. Since both Johanson and Hu teaches displaying a text message on a display, then it would be obvious to one ordinary skill in the art to add the printer of Hu to Johanson's device to print out a hard copy of a text message displayed to a user.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

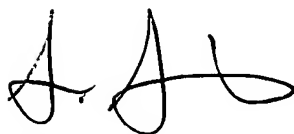
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2645

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante



S. Sing

01/17/2006